THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16610 OF 2006

23.08.2006

Between:

Namburi Jaya Rao, S/o.Joseph

… Petitioner

AND

Sri Kodandarama Swamy Temple, represented by its
Trusee Leguntapadu Village, Kovur Mandal, Nellore District
And others

… Respondents

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ORDER:

The petitioner filed the present writ petition making the following allegations. The family of the petitioner has been cultivating the land admeasuring Acs.1.00 belonged to Sri Kodandarama Swamy Temple, Leguntapadu Village of Kovur Mandal in Nellore District. Allegedly the father of the petitioner, Joseph, cultivated the land whereafter the petitioner's brother, Vinod Kumar, cultivated the land till 1991. From 1991 till date, the petitioner has been cultivating the land duly paying the maktha to the first respondent-temple, who is allegedly trying to dispossess the petitioner without taking any steps in accordance with law.

After hearing the learned Counsel for the petitioner, this Court is not inclined to admit the writ petition for reasons more than one. Though it is alleged that the petitioner has been cultivating the land and paying maktha from 1992 to 2005, no evidence is placed in support of the said contention. Xerox copies of the receipts allegedly issued by the trustee of the first respondent-temple are annexed to the writ petition, which are up to 2002-2003, but no material is placed in proof of the allegation that the petitioner is in possession of the land. During the course of the arguments, the petitioner has also placed before this Court a Xerox copy of the agreement between the sugar grower and sugar factory, which shows that the same is in respect of the land admeasuring Acs.0.96 in survey Nos.129 and 148. In the affidavit accompanying the writ petition, the petitioner does not mention the particulars of the land and, therefore, it is not possible to correlate the document with the allegation made in the affidavit. Therefore, it has to be held that the writ petition is filed on mere apprehension. The petitioner may, therefore, approach the third respondent for proper redressal, if there is a move on the part of the first respondent to evict the petitioner.

The writ petition, with the above observation, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

August 21, 2006
YS